

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HENRY FAISON,

CASE NO. 2:23-cv-01437

Plaintiff,

ORDER TO SHOW CAUSE

V.

PAUL VICKERS; HARBORVIEW
HOSPITAL,

Defendants.

The Court raises this matter *sua sponte*.

On September 18, 2023, Plaintiff Henry Faison filed the Complaint initiating this litigation. Dkt. No. 4. Since then, Faison has submitted no proof to the Court that the Complaint has been served on Defendants. *See* Dkt. On December 8, 2023, this Court ordered the parties to submit a Joint Status Report by January 19, 2024. Dkt. No. 6. No such report was submitted. *See* Dkt. On April 2, 2024, this Court issued another Order requiring the parties to submit a Joint Status Report by May 14, 2024. Dkt. No. 7. Again, no such report was filed. *See* Dkt.

Under Rule 4(m) of the Federal Rules of Civil Procedure, a plaintiff must serve defendants with a copy of the complaint and a signed, sealed copy of the

1 summons within 90 days of filing the complaint. Fed. R. Civ. P. 4(m). Absent good
2 cause, a district court may dismiss an action for a plaintiff's failure to meet this
3 requirement. *Id.* Additionally, under Rule 41(b), a district court may dismiss an action
4 for failure to prosecute or to comply with the Civil Rules or a court order. *See* Fed. R.
5 Civ. P. 41(b). The Court's power to dismiss an action for failure to prosecute "is
6 necessary in order to prevent undue delays in the disposition of pending cases and to
7 avoid congestion in the calendars of the district courts." *Australasia Charterers Ltd. v.*
8 *Worldwide Bulk Shipping Pte Ltd.*, No. C21-98 RSM, 2023 WL 7300966, at *1 (W.D.
9 Wash. Nov. 6, 2023) (citing *Link v. Wabash R. Co.*, 370 U.S. 626, 629-30, 82 S. Ct. 1386,
10 8 L. Ed. 2d 734 (1962)) (cleaned up); *see also Hells Canyon Pres. Council v. U.S. Forest*
11 *Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (explaining that district courts may sua sponte
12 dismiss actions under Rule 41(b) for failure to comply with court orders and/or failure
13 to prosecute).

14 Faison has failed to prove service as required by Rule 4. Likewise, Faison has
15 failed to comply with the Court's Orders requiring submission of a Joint Status
16 Report. Absent good cause, these failures constitute grounds to dismiss Faison's
17 claims.

18 Accordingly, Faison must submit a short statement, not to exceed six (6)
19 pages, explaining why this case should not be dismissed for failure to effect service
20 of process and failure to prosecute. The Court ORDERS Faison to file a Response to
21 this Order to Show Cause no later than thirty (30) days from the date of this Order.
22 Failure to file a response will result in dismissal of Faison's action.

The Clerk is directed to place this Order to Show Cause on the Court's calendar for 30 days from the date of this Order.

It is so ORDERED.

Dated this 5th day of September, 2024.

Jamal W
Jamal N. Whitehead
United States District Judge